IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 6-2-2007

Coram

The Honourable Mr.Justice P.SATHASIVAM
and
The Honourable Mr.Justice N.PAUL VASANTHAKUMAR

W.A.No.3745 of 2002

R. Thangaswarnam — Appellant

Vs.

1. The Superintendent of Police,
Kanyakumari District
at Nagercoil.

2. The District Collector,
Nagercoil,
Kanyakumari District. — Respondents

This writ appeal is filed under Clause 15 of Letters Patent against the order of the learned single Judge in W.P.No.30433 of 2002 dated 29.7.2002. Presented to this Court under Article 226 of the Constitution of India to issue a writ of mandamus, to direct the Respondents and their subordinates to forbear from interfering with the manufacture,sale and supply of Ayurveda preparations by the petitioner under the valid Drug licence No.890,dt.4.10.01 issued by the state drug controller of chennai -600 006, by arbitrarily invoking the provisions of Tamil Nadu Prohibition Act.

For Appellant : Mr.S.Parthasarathy

For Respondents : Ms.Bhavani Subbarayan,
Government Advocate

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J U D G M E N T

(Judgment of the Court was made by P.SATHASIVAM, J.)

The above writ appeal is directed against the order of the learned single Judge dated 29.7.2002 made in W.P.No.30433 of 2002 in and by which the learned single Judge, after finding that there is no merit in the claim of the writ petitioner, dismissed the writ petition.

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2. Heard the learned counsel for the appellant as well as the respondents.

3. We verified the relief sought for in the writ petition as well as the order dated 29.7.2002 passed by the learned single Judge. It is also brought to our notice that a Division Bench of this Court, dismissed similar writ petitions filed by similarly placed persons vide order dated 19.4.2006 made in W.P.No.11154 of 2004.

4. Considering the same and in view of the limited relief prayed for in the writ petition and also of the fact that though the Division Bench initially granted interim order in this writ appeal and the same having been vacated as early as on 22.9.2003, we do not find any valid ground to interfere with the order of the learned single Judge. Consequently the writ appeal fails and the same is dismissed. No costs.

vr

Sd/-
Asst.Registrar

/true copy/

Sub Asst.Registrar

To

1. The Superintendent of Police,
   Kanyakumari District at Nagercoil.

2. The District Collector,
   Nagercoil, Kanyakumari District.

+1 cc to the Government Pleader Sr.No.7487.

+1 cc to Mr.I.David Singh, Advocate Sr.No.7262.

RA (CO)
dcp/13.2.07

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